

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY SMITH,
Plaintiff,
v.
SDCC MEDICAL, et al.,
Defendants.

Case No.: 2:24-cv-02171-RFB-NJK

ORDER
(Docket No. 3)

On November 20, 2024, *pro se* plaintiff Troy Smith, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff subsequently applied to proceed *in forma pauperis*. Docket No. 3. Plaintiff's application to proceed *in forma pauperis* is incomplete because the financial certificate is not complete, and Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the

1 filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

2 Accordingly, for the reasons stated above,

3 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 3, is
4 **DENIED** without prejudice.

5 IT IS FURTHER ORDERED that, no later than **February 4, 2025**, Plaintiff must either
6 pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*
7 with all three required documents: a completed application with the inmate's two signatures on
8 page 3; a completed financial certificate that is signed both by the inmate and the prison or jail
9 official; and a copy of the inmate's trust fund account statement for the previous six-month period.

10 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
11 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
12 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Troy Smith the approved form
15 application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the
16 complaint, Docket No. 1-1, but not file it at this time.

17 IT IS SO ORDERED.

18 DATED: December 6, 2024.

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22 NANCY J. KOPPE
23 UNITED STATES MAGISTRATE JUDGE
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